

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C 3512

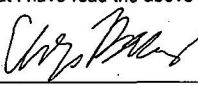
DO NOT WRITE IN THIS SPACE

Case
29-CA-240076

Date Filed
4/23/2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Park Slope Food Coop	b. Tel. No. 718-622-0560
	c. Cell No.
	f. Fax No. 718-622-5685
d. Address (Street, city, state, and ZIP code) 782 Union Street Brooklyn, NY 11215	e. Employer Representative Joe Holtz
	g. e-Mail JLHoltz@psfc.coop
	h. Number of workers employed 50+
i. Type of Establishment (factory, mine, wholesaler, etc.) Grocery store	j. Identify principal product or service Groceries
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Please see the attached addendum.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Retail, Wholesale, and Department Store Union	
4a. Address (Street and number, city, state, and ZIP code) 370 Seventh Avenue 14th Fl. New York, NY 10001 Attn: Phil Andrews	4b. Tel. No. 212-684-5300 4c. Cell No. 4d. Fax No. 4e. e-Mail pandrews@rwdsu.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food and Commercial Workers	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By  Christopher S. Baluzy, counsel (signature of representative or person making charge) (Print/type name and title or office, if any)	
Tel. No. 212-871-0535 Office, if any, Cell No. Fax No. 646-599-9575 e-Mail cbaluzy@carykane.com	
Address Cary Kane LLP, 1350 Broadway, Suite 1400, NY, NY 10018 4/22/2019 (date)	

NLRB-REGION 29
 RECEIVED
 2019 APR 23 PM 1:22
 BROOKLYN MAY 13 2019

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**Addendum to Charge Against Employer submitted by the
Retail, Wholesale, and Department Store Union, UFCW**

2. Basis of the Charge

- On or about October 25, 2018, (b) (6), (b) (7)(C) threatened workers for their support of the Union by stating "you should have a backup plan."
- On or about October 26, 2018, (b) (6), (b) (7)(C) told a worker that (b) (6), (b) (7)(C) schedule "is likely going to become more erratic" the day (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated this in retaliation for the worker's support of the Union and to chill the Section 7 rights of the worker.
- On or about (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C) for lateness, citing alleged lateness going back to the beginning of August 2018, in retaliation for (b) (6), (b) (7)(C) support for the Union, which support started on or about August 2018.
- On or about (b) (6), (b) (7)(C) 2018, (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) support of the Union.
- On or about January 28, 2019, (b) (6), (b) (7)(C) informed a worker, in the presence of other workers, that the worker was "spending too much time discussing (b) (6), (b) (7)(C) schedule and that it's distracting (b) (6), (b) (7)(C) work and the work of (b) (6), (b) (7)(C) coworkers". (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) directed the worker to "communicate directly with me, your supervising general coordinator, and not the world"
- On or about (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2019, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had a disciplinary meeting with (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) support of the Union.
- On or about April 5, 11 and 16, 2019, (b) (6), (b) (7)(C) polled employees for their support of the Union by soliciting feedback from employees on a proposed neutrality agreement between the Employer and the Union.
- On or about April 5, 2019, (b) (6), (b) (7)(C) told employees to contact Union representative Phil Andrews to obtain the return of their signed authorization cards.
- On or about April 5, 2019, (b) (6), (b) (7)(C) solicited employee grievances and implied resolution of those grievances.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlrb.gov
Telephone: (718)330-7713
Fax: (718)330-7579



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April 23, 2019

Phil Andrews
Retail, Wholesale, and Department Store Union
370 7th Avenue, 14th Floor
New York, NY 10001-0019

Re: Park Slope Food Coop
Case 29-CA-240076

Dear Mr. Andrews:

The charge that you filed in this case on April 23, 2019 has been docketed as case number 29-CA-240076. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Ioulia Fedorova whose telephone number is (718)765-6191. If this Board agent is not available, you may contact Supervisory Field Examiner Kate Anderson whose telephone number is (718)765-6181.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



KATHY DREW-KING
Regional Director

cc: Christopher S. Baluzy, ESQ.
Cary Kane LLP
1350 Broadway, Suite 1400
New York, NY 10018



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Mobile App

April 23, 2019

Joe Holtz
Park Slope Food Coop
782 Union Street
Brooklyn, NY 11215

Re: Park Slope Food Coop
Case 29-CA-240076

Dear Mr. Holtz:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy Drew-King". The signature is fluid and cursive, with the first name "Kathy" being more prominent.

KATHY DREW-KING
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PARK SLOPE FOOD COOP

Charged Party

and

**RETAIL, WHOLESALE, AND DEPARTMENT
STORE UNION**

Charging Party

Case 29-CA-240076

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 23, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Joe Holtz
Park Slope Food Coop
782 Union Street
Brooklyn, NY 11215

April 23, 2019

Date

Leila Robles, Designated Agent of NLRB

Name

/s/

Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Retail, Wholesale, & Department Store Union,
Charging Party

and

Park Slope Food Co-op,
Respondent

CASE 29-CA-240076

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Park Slope Food Co-op

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Eric D. Jones, Esq.

MAILING ADDRESS: Jones PLC, P. O. Box 515, Shelburne VT 05482

E-MAIL ADDRESS: jones@joneslegalplc.com

OFFICE TELEPHONE NUMBER: (802) 497-1853 x114

CELL PHONE NUMBER: _____ FAX: (802) 332-3816

SIGNATURE: 

DATE: 04/24/19
(Please sign in ink.)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.